

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KEITH SMITH, RIA McDOUGAL, )  
JOHN LEWIS, VERNETTA DUCKWORTH, )  
JANISE PAGE, JACQUES WALKER, )  
SHU-RA ROGERS, TODD LINDBERG, )  
ANTHONY BROWN, JASON READUS, )  
DWIGHT BROWN, ROBERT JACKSON, )  
BILLY BROWN, CRYSTAL BARBEE, )  
MARKESHA HUDSON, DAJUANA YOUNG, )  
ANTHONY BARLOW, LARRY POSEY, ) Case No. 03 C 09110  
)  
Plaintiffs, ) Judge Milton I. Shadur  
)  
v. ) Magistrate Judge Morton Denlow  
)  
NIKE RETAIL SERVICES, INC., a/k/a NIKE, )  
)  
Defendant. )

**JOINT MOTION TO CONCLUDE**  
**SETTLEMENT AGREEMENT AND CONSENT DECREE**

Plaintiffs, by and through their attorneys Noelle Brennan & Associates, and Nike Retail Services, Inc. (“Nike”), by and through its attorneys, Seyfarth Shaw LLP, submit this Joint Motion to Conclude the Settlement Agreement and Consent Decree. In support of this Motion, the parties state as follows:

1. The parties entered into a Settlement Agreement and Consent Decree (“Consent Decree”) in this matter, which was to expire on its terms on October 31, 2009. Under the Consent Decree, a Diversity Consultant was appointed to monitor Nike’s compliance with the terms of the Consent Decree and periodically report on its progress.

2. On October 16, 2009, the parties appeared before the Court on Plaintiff's Request for Documentation and Extension of the Consent Decree. The Court required Nike to furnish requested information to Class Counsel, extended the Consent Decree for the purpose of

permitting the Monitor to evaluate further Nike's new Career Development & Mentoring Program, and took under advisement other aspects of the extension request pending Class Counsel's opportunity to review and consider the requested documentation and information and completion of the Diversity Consultant's review.

3. Since the October 16, 2009 hearing, Nike has provided Class Counsel with all requested documentation and information. Counsel for the parties have met on numerous occasions to discuss Nike's compliance with the Consent Decree, and Nike has provided documentation and correspondence to respond to questions, clarify issues, and provide further explanation.

4. The parties also have continued to work with the Diversity Consultant. Nike has submitted all requested information to the Diversity Consultant, and he has completed his review of Nike's compliance under the Consent Decree. The Diversity Consultant shared his Final Report with the parties, and the parties have no objections or comments. The Diversity Consultant concludes that Nike's Career Development & Mentoring Program is successful, and views Nike as having met each of its obligations under the Consent Decree.

5. Class Counsel has no objections to the Monitor's findings or to Nike's activities under the Consent Decree, and does not believe any further extension or monitoring of Nike under the Consent Decree is warranted.

WHEREFORE, in light of the Diversity Consultant's findings and the Plaintiffs' concurrence that Nike has satisfied all of its obligations under the Consent Decree, the Parties jointly request that the Court enter an order concluding the Consent Decree, terminating the Court's jurisdiction over the Consent Decree, and closing this matter in its entirety.

Respectfully submitted,

KEITH SMITH, et. al

By: /s/Noelle Brennan  
One of Plaintiffs' Attorneys

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Respectfully submitted,

NIKE RETAIL SERVICES, INC.

By: /s/David S. Baffa  
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May 19, 2010

**CERTIFICATE OF SERVICE**

I, David S. Baffa, an attorney, do hereby certify that I have caused a true and correct copy of the foregoing **JOINT MOTION TO CONCLUDE SETTLEMENT AGREEMENT AND CONSENT DECREE**, to be served upon the following, via the Court's electronic filing system ("ECF"), on this 19<sup>th</sup> day of May, 2010:

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